

Attorney Docket No.
IBIG1100-2

09/990,954
Customer ID: 42671

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Examiner's comments in the Office Action mailed December 12, 2004. Applicant respectfully requests reconsideration and favorable action in this case.

Summary of rejections and amendments

Claims 1-25 were pending in the application prior to the Office Action. The Examiner rejected claims 1-25. Claim 19 has been amended, and claims 4-5 and 24-25 have been canceled. Claims 1-3 and 6-23 therefore remain pending in the application.

Interview Summary

In a telephonic interview on January 25, 2005, the Examiner indicated that Pinard would require searching positions both above and below the identified second position, based on the scenario described at col. 3, lines 36-63. The Applicant did not agree with this assertion and stated that the reference did not support such a finding. The Applicant also stated that reference did not support the position that the search would terminate if the second position was associated with the selected role. The Examiner did not agree on this point. The Applicant and the Examiner discussed the definition of the approval matrix in the claims and clarification of the claim language. The Examiner indicated that features in the approval matrix were not disclosed in the Pinard reference, but were not yet sufficiently specified.

Rejections under 35 U.S.C. § 112

The Examiner rejects claims 19 and 25 under 35 U.S.C. § 112, second paragraph. Claim 19 has been amended to correct the previous reference to step (e) of claim 1. The claim now refers to step (d). The Applicant therefore believes the Examiner's objection to claim 19 has been overcome. Claim 25 has been canceled, so the Examiner's objection to this claim is moot.

Rejections under 35 U.S.C. § 102

Claims 1-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,075,851 ("Pinard"). The Applicant respectfully traverses this rejection.

The Examiner asserts that all of the limitations of claim 1 are shown in the Pinard reference. The Applicant respectfully disagrees. Claim 1 resides a method for searching for a

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selected role within a hierarchical organizational structure. This method includes identifying a first position within an organizational structure, identifying a second position immediately above the first position and determining whether the second position is seen with the selected role. If so, the search is terminated. If not, the search continues with positions below the second position. If the selected role is not associated with any of these positions, the search is continued, beginning with the second position instead of the first position. The method of Pinard, on the other hand, does not involve searching for a selected role within an organization. Instead, Pinard teaches a method for determining whether a phone call will be accepted. The method of Pinard includes retrieving a list of all allowed callers, looking up the identities of all of the persons on the list, looking up phone numbers associated with all of the identities, and then comparing all of these phone numbers with the phone number of the caller. If the caller is not on the list, the call is redirected to a predetermined default agent.

The Applicant respectfully submits that the Pinard reference has nothing to do with searching for a selected role within an organization or the particular manner in which such a search would be conducted and cannot reasonably be construed to anticipate the claims in the application. More particularly, the Applicant submits that Pinard fails to teach various limitations of the claims, as will be discussed below.

In regard to claim 1, that Examiner asserts, for example, that the limitation of "identifying a second position which is immediately above the first position in the organizational structure," is disclosed by Pinard (citing col. 3, lines 35-63.) The Examiner takes the position that, because a list of allowed incoming includes "MY BOSS," this limitation is met. In fact, Pinard does not teach the identification of a position immediately above a first position in the organizational structure, but instead teaches only that a database is searched for the identities of ALL incoming calls that are allowed to be completed to a person's (Mary's) phone line (col. 3, lines 42-46.) The only relationship between the recipient of the call and "MY BOSS" is that "MY BOSS" is one of the identities that are included on the list of allowed calls. There is no indication that "MY BOSS" corresponds to a position immediately above Mary's position in the organizational structure. "MY BOSS" could be a department manager that is two or more levels higher in the organizational structure, or could be a supervisor who is not actually above Mary in the organizational structure. There is simply no description of this relationship in the reference. Pinard therefore fails to teach this limitation of claim 1.

It should be noted that Pinard does not teach that any distinction is made between any of the identities on the list of allowed callers. The user agent described in the reference looks

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up ALL of the allowed callers (col. 3, lines 42-46.) The user agent then looks up ALL of the identities of the allowed callers (see col. 3, lines 47-49.) That user agent then looks up ALL of the phone numbers for the identities of the allowed callers (see col.3, lines 49-51.) Then, the user agent compares these phone numbers to the number of the received call (see col. 3, lines 51-53.)

While Pinard specifically says that the user agent looks up the identity of Mary's boss in the database, it is important to note that, at this point in the process, the user agent has not yet determined who is calling, so there is no way for the user agent to distinguish between the allowed callers. In other words, since the point of the method is to determine whether the caller is on the list of allowed callers, it would be pointless for the user agent to look up only one allowed caller, such as "MY BOSS." Consequently, the method described by Pinard (at col. 3, lines 42-53) can only be reasonably construed to include looking up ALL of the allowed callers, ALL of the callers' identities, and ALL of the identities' phone numbers, and comparing ALL of these phone numbers to the phone number of the caller.

Further, Pinard fails to disclose the limitation of "making a determination whether the second position is associated with the selected role." As pointed out above, Pinard is not concerned with the roles of anyone in the organization. Instead, Pinard is concerned with matching the phone number of an incoming call to a list of allowed callers. None of the actions described by Pinard are based, in any way whatsoever, upon the roles associated with anyone in the organization, or upon the relationship between positions in an organizational structure, as recited in the claim. In light of the fact that Pinard is not concerned with roles or positions within an organizational structure, Pinard clearly fails to teach the limitation of determining whether a position is associated with a selected role.

Still further, Pinard fails to teach that a search for a selected role is terminated or continued as recited in claim 1. It is apparent that the method of Pinard does not change based upon positions within the organization or roles associated with those positions. Pinard's user agent looks up the list of allowed callers, looks up the identities of the callers, looks up the phone numbers of the identities and compares these phone numbers to the calling phone number. The only variation in this method is that, if the calling phone number does not match the numbers of any of the allowed callers, the call is directed to a default user agent (e.g., a secretary, a voicemail system, etc.) In order to construe this method as terminating or continuing based upon whether or not a selected role has been found, it would be necessary to construe the phone numbers as roles associated with positions in the organization. This would

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be contrary both to the description of roles provided in the application, and to the understanding of a person of ordinary skill in the art of the invention, and is therefore unreasonable.

Additionally, even if it could be assumed that Pinard teaches the searching of any positions within the organization, this reference fails, under any construction, to disclose that the positions are searched in any particular manner, such as that recited in claim 1 (i.e., the second position, then goes below the second position, then a position immediately above the second position, and so on.)

The claims that depend from claim 1 include all of the limitations of claim 1 and are therefore distinguished from Pinard for at least the same reasons. Because this is sufficient to distinguish these claims from the prior art, the additional distinctive limitations of these claims will not be discussed here.

In regard to claim 21, the Examiner asserts that all of the limitations of the claim are disclosed by Pinard. The Applicant respectfully disagrees. As explained above, Pinard teaches systems and methods for determining whether an incoming telephone call will be accepted by a user agent or redirected to a default user agent. Claim 21 has nothing to do with telephone call routing, but instead concerns a method for managing access to business processes. The Applicant respectfully submits that the teachings of Pinard would not be understood by a person of ordinary skill in the art of the invention to correspond to the limitations of claim 21, as suggested by the Examiner, but would instead understand them to be distinguished.

For example, claim 21 recites the limitations of providing an organization structure having a set of unique positions, providing a hierarchical role structure, and associating it should of the positions in the organization structure with one of the roles in the role structure. The Examiner asserts that Pinard teaches both a hierarchical name (organization) structure (citing figure 2) and a hierarchical role structure (citing col. 3, lines 1-3) and states that the name structure is linked to the role/roles associated with the names. At col. 2, line 56 - col. 3, line 3, Pinard describes Figure 2 as an organizational chart that defines roles, and describes roles as relationships of reporting structures, identification of groups, etc. (i.e., the structure of the organizational chart.) Pinard does not describe an organization structure of positions and a hierarchical role structure and associating the positions with the roles. The positions and roles of Pinard are one in the same. Consequently, these limitations of the claim are not taught by Pinard.

The Examiner also asserts that the limitations of associating excess rights for business processes to roles in the role structure and enabling members of the organization to access

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business processes based on their positions and corresponding roles are disclosed by Pinard. The Examiner states that the telephone calls described in Pinard comprise business processes, and that access to such business processes are granted to employees based on rights granted to those employees. The Applicant first respectfully submits that a telephone call is not a business process, as contemplated by the disclosure of the application. The application describes business processes as typically manual, paper-based systems that often require various approvals and incurred great deal of overhead. These business processes may involve staffing, HRIS, purchasing, inventory, expense reporting, CRM, sales, etc. Thus, a person of ordinary skill in the art of the invention would not understand a telephone call to be a business process as described in the application. Similarly, maintaining a list of allowed callers would not be understood to be enabling each member of the organization to access business processes in accordance with their positions and corresponding roles, as recited in claim 21.

For at least these reasons, claim 21 is believed to be distinguished from Pinard. Similarly, the claims that depend from claim 21 and include all of the limitations of this claim are believed to be distinguished in the same manner from Pinard. Because the claims that depend from claim 21 are distinguished from the prior art on this basis, the additional distinctive limitations of these claims will not be discussed here.

Conclusion

Applicant has now made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all claims pending in the application. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action.


The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

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The Applicant hereby requests a one-month extension of time for filing this response. A credit card payment form authorizing the fee required by 37 CFR 1.17(a)(1) is attached to this response. If any additional extensions of time are necessary to prevent the above referenced application from becoming abandoned, the Applicant hereby requests such extensions. If any fees are inadvertently omitted, or if any additional fees are required, or if any amounts have been overpaid, please appropriately charge or credit those fees to Deposit Account No. 50-3085 of the Law Offices of Mark L. Berrier.

Respectfully submitted,


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